

Congress of the United States

Washington, DC 20515

June 2, 2004

The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Attorney General:

We write to request that you appoint a special counsel to investigate whether Vice President Dick Cheney violated federal criminal laws through his involvement in the award of a sole-source, no-bid contract for Iraqi oil recovery to his former employer, Halliburton.

Your failure to see fit to appoint a single special counsel during your tenure as Attorney General has created an appearance that the Department has become politicized and is acting to avoid any independent scrutiny of wrongdoing by the Administration. In the present case, both the law and the facts dictate that you take steps to appoint a special counsel, and by taking appropriate action you can help to restore faith in our special counsel process.

Recent disclosures concerning the Vice President, Halliburton, and Iraq contracts have raised numerous questions concerning potential violations regarding misuse of public office. The most recent revelation is a March 2003 e-mail released by the Department of Defense that states "action [to award a sole-source contract for Restore Iraqi Oil to Halliburton] has been coordinated w/ VP's office." See Timothy J. Burger & Adam Zagorin, *The Paper Trail: Did Cheney Okay a Deal?*, TIME, June 7, 2004, at 42.

As you are no doubt aware, under the Department's regulations, you are required to appoint a special counsel when (1) a "criminal investigation of a person or matter is warranted;" (2) the investigation "by a United States Attorney's Office or litigating Division of the Department of Justice would present a conflict of interest for the Department; and (3) "it would be in the public interest to appoint an outside Special Counsel to assume responsibility for the matter." 28 C.F.R. § 600.1 (2004). All three criteria have been met in the present instance.

First, there is ample reason to conduct a criminal investigation of this matter. Federal law specifically prohibits government officials from substantially participating in contracts or other matters in which they have financial interests. 18 U.S.C. § 208.¹ In the present case, we know

¹"[W]hoever, being an officer or employee of the executive branch of the United States government . . . participates personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation,

the Vice President continues to receive deferred compensation from Halliburton in annual, six figure amounts. Jane Mayer, *Contract Sport: What did the Vice President do for Halliburton?*, THE NEW YORKER, Feb. 16, 2004, at 80.² Also, the Vice President's 2003 financial disclosure form reports that the company purchased an insurance policy to indemnify him from lawsuits stemming from his position as chief executive officer there. See Timothy J. Burger & Adam Zagorin, *The Paper Trail: Did Cheney Okay a Deal?*, TIME, June 7, 2004, at 42.³ Both of these considerations – providing for deferred compensation and an indemnification agreement – should be considered a “financial interest” within the meaning of the law. This, combined with the fact that the March 2003 e-mail implicates the Vice President as having a role in the awarding of the sole-source Halliburton contract, provides ample basis for opening a criminal inquiry.

Second, the investigation presents a conflict of interest for the Department. The Vice President is the second highest-ranking official in our government and is known to be involved in numerous personnel matters, including potential selections and dismissals of high-ranking Department officials. Given these inherent conflicts, it would be highly inappropriate and awkward for officials in the Department to pursue this investigation on their own.

Third, there can be little question that an independent investigation would be in the public interest. Our system of governance calls for the highest ethical ideals from high-ranking officials, and the Vice President may have violated perhaps the most fundamental ethical precept – misuse of office. It is difficult for us to conceive of a matter more ripe for outside scrutiny than an investigation involving possible misuse of the Vice President's office.

We also would observe that it is telling the lengths the Vice President has gone to explain and rationalize his ties to his former employer, Halliburton. Just this past September, he appeared on NBC's Meet the Press and stated:

or otherwise, in a . . . application, request for a ruling or other determination, contract, . . . or other particular matter in which, to his knowledge, he . . . has a financial a financial interest – Shall be subject to the penalties set forth in section 216 of this title.”

² “[H]e continues to collect deferred compensation worth approximately a hundred and fifty thousand dollars a year, and he retains stock options worth more than eighteen million dollars.” *Id.*

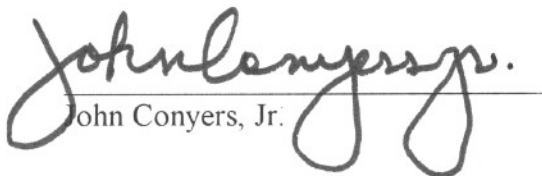
³ “His recently filed 2003 financial-disclosure form reveals that Halliburton last year invoked an insurance policy to indemnify Cheney for what could be steep legal bills ‘arising from his service’ at the company. Past and present Halliburton execs face an array of potentially costly litigation, including multibillion-dollar asbestos claims.” Timothy J. Burger & Adam Zagorin, *The Paper Trail: Did Cheney Okay a Deal?*, TIME, May 30, 2004.

Since I left Halliburton to become George Bush's vice president, I've severed all my ties with the company, gotten rid of all my financial interests. I have no financial interest in Halliburton of any kind and haven't had now for three years. And as vice president, I have absolutely no influence of, involvement of, or knowledge of in any way, shape or form of contracts led by the Corps of Engineers or anybody else in the federal government. . . . I don't know of any details of the contract because I deliberately stayed away from any information on that.⁴

Just about everything the Vice President said in that interview is now known to be false. The public deserves to know the truth about whether the Vice President has illegally commingled his official and personal dealings.

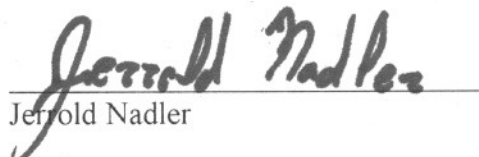
We look forward to hearing whether you will appoint a special counsel and, if not, the reason for your decision.

Sincerely,


John Conyers, Jr.


Tammy Baldwin


Lane Evans


Jerrold Nadler


Neil Abercrombie


Robert Wexler


Jan Schakowsky

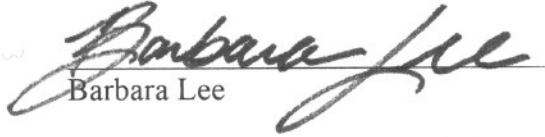

Dennis J. Kucinich

⁴Meet the Press (NBC television broadcast, Sept. 14, 2003).

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Barbara Lee


Jim McDermott


Maxine Waters

cc: The Honorable William E. Moschella
Assistant Attorney General
Office of Legislative Affairs

The Honorable F. James Sensenbrenner, Jr.
Chairman
U.S. House Committee on the Judiciary